Report

of the

Select Committee on Establishing an Electoral Boundaries Commission

November 30, 2001

Legislative Assembly of Nova Scotia

House of Assembly
Nova Scotia

November 30, 2001

Mr. Roderick MacArthur
Chief Clerk of the House
House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. MacArthur:

RE: Electoral Boundaries Commission

In accordance with Resolution 1959, passed by the House of Assembly on Thursday, November 1, 2001, the Select Committee on Establishing an Electoral Boundaries Commission is pleased to submit its recommendations for consideration by the Legislative Assembly of Nova Scotia.

While not all members of the Select Committee initially agreed on all parts of the Terms of Reference, this report represents a compromise that is acceptable.

Michael Baker, Q.C.
Chairman
MLA Lunenburg

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I. SELECT COMMITTEE

(a) Composition

The Select Committee on Establishing an Electoral Boundaries Commission was established after Resolution 1959 was unanimously passed by the House of Assembly on November 1, 2001 (App. "A"). The Committee was composed of representatives from all three parties in the House: five Progressive Conservatives, two New Democrats and two Liberals. Members of the Committee, as listed in the resolution, were Hon. Neil LeBlanc, MLA; Hon. Michael Baker, Q.C., MLA; Hon. Jane Purves, MLA; Hon. Rodney MacDonald, MLA; Brooke Taylor, MLA; Howard Epstein, MLA; Paul MacEwan, MLA; and Manning MacDonald, MLA. The Hon. Michael Baker, Q.C. was appointed as Chairman.

Mr. Dwight Rudderham acted as counsel to the Committee. Ms. Mora Stevens of the Legislative Committees Office acted throughout as Administrative Coordinator. Mr. Kevin Finch offered communications support to the Committee.

Ms. Kim Sheppard of Hansard, Mr. Scott MacTavish, Ms. Anita Fraser and Mr. Paul Read of Legislative Television assisted the Committee with its public meetings and during its deliberations.

(b) Mandate

The mandate of the Committee was to report to the House by November 30, 2001, or as soon as possible thereafter, respecting:

- the composition of a Provincial Boundaries Commission on electoral redistribution;
- terms of reference for the Commission; and
- a timetable for the completion of the Report of the Boundaries Commission.

It should be noted that the Select Committee was not to recommend constituency boundaries for an electoral redistribution. That will be within the mandate of the Provincial Boundaries Commission. The Committee focussed solely on the composition and terms of reference for the Commission.

Under Paragraph 7 of Resolution 1959, the House declared, for the guidance of the Select Committee, its support in principle for:

- a House composed of 52 members, plus one additional member who would represent the Mi'kmaq people in Nova Scotia;
- the need for boundaries that address the community of interest in the composition of the House, including the Acadian and Black communities; and
- the importance of having a person from a minority group serve on the Provincial Boundaries Commission.

The House requested that the Committee consult as many interested persons as it reasonably could, including members of the Acadian, Black and Mi'kmaq communities.

(c) Meetings and Public Hearings

The Committee held afternoon and evening public meetings in five locales: Sydney (Nov. 13), Port Hawkesbury (Nov. 14), Yarmouth (Nov. 19), Bible Hill (Nov. 20) and Halifax (Nov. 22). The committee also held in camera meetings on Nov. 26, 28, 29 and 30.

To ensure public awareness of the public meetings, a newspaper advertisement (see App. "B") was published in all daily newspapers originating in the Province, as well as provincial weeklies. The newspaper advertisement explained the purpose of the Committee, explained that the Committee would not recommend constituency boundaries, and detailed how interested parties could make their opinions known to the Committee through a public presentation, or by sending a written submission by postal mail, electronic mail or facsimile machine. A radio advertisement was also broadcast to make people aware of upcoming meetings.

The Committee received 31 oral presentations at the public meetings. A further seven written submissions were received before Nov. 23, the cut-off date for submissions. The Committee also received a resumé from a person wishing to serve on the Commission.

The Committee is grateful to all the individuals and groups who contacted us. Their views were helpful to the process and have been carefully considered.

II. RECOMMENDATIONS

(a) Composition of the Provincial Boundaries Commission
The Select Committee agreed that no one appointed to the Commission would be a sitting MLA, a former MLA or a political candidate for the House of Assembly.

The Committee believes the following individuals appreciate the sensitivities involved in determining electoral boundaries and have the necessary skills and abilities required to complete the responsibilities of a Commissioner. The following people are appointed to the Provincial Boundaries Commission:

- Anne Dillman, Halifax Regional Municipality
- Colin Dodds, Halifax Regional Municipality
- Douglas James Hill, Lunenburg County
- John Kitts, Halifax Regional Municipality
- Ron Landres, Halifax Regional Municipality
- Hayden Landry, Yarmouth County
- Andrew Malloy, Cape Breton Regional Municipality
- Ian Spencer, Antigonish County
- Candace Thomas, Halifax Regional Municipality

Mr. Colin Dodds shall be designated Chairperson of the Commission.

In the event that an appointee cannot accept or complete his or her duties as a Commissioner, the Select Committee will name a replacement. In the event that operational issues facing the Commission, including financial matters, arise, the Select Committee will be recalled to resolve these issues.

(b) Terms of Reference for the Provincial Boundaries Commission
In keeping with the constitutional right to effective representation, the Committee recommends the following terms of reference for the Provincial Boundaries Commission in determining the Province's electoral boundaries:

> The primary factors to be considered by the Provincial Boundaries Commission to ensure effective representation are:
>
> (i) of paramount importance, relative parity of voting power achieved through constituencies of equal electoral population to the extent reasonably possible;
> (ii) geography, and in particular the difficulty in representing a large physical area;
> (iii) community history;
> (iv) community interests; and
> (v) minority representation, including, in particular, representation of the Acadian and Black peoples of Nova Scotia.

Based on the most recent population and electoral statistics available to the Provincial Boundaries Commission, the Commission is to delineate electoral boundaries to achieve a 52-member Legislative Assembly, not counting any additional member authorized pursuant to Section 6 of the *House of Assembly Act*.

The Provincial Boundaries Commission is to be governed by the general principle that a constituency should not deviate by greater or lesser than 25 per cent from the average number of electors per constituency from the average number of electors per constituency, except in extraordinary circumstances. Extraordinary circumstances are the desire to promote minority representation by Nova Scotia's Acadian and Black communities.

The Commission is to be guided by the principle that deviations from parity of voting power are only justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed.

After considering the preceding criteria, county boundaries should be followed where possible, reflecting the historical use of county lines in delineating Nova Scotia's electoral map.

In considering minority representation, the Commission shall seek out the advice, support and cooperation of, in particular, representatives of the Acadian and Black communities in Nova Scotia.

In discharging its mandate, the Provincial Boundaries Commission shall conduct such hearings, and hear such representations and consider such other information, at such times and places as it deems advisable, respecting existing electoral districts and the establishment of new electoral districts in the Province, and the area, name, representation and implementation of those electoral districts.

(c) Responsibilities of the Provincial Boundaries Commission

The Commission will hold public meetings and prepare a preliminary report. After making this preliminary report public, the Commission will hold further public meetings and will then prepare a final report.

(d) Time for Completion of the Provincial Boundaries Commission Report

The Committee recommends that the Provincial Boundaries Commission complete and submit its report to the Attorney General of Nova Scotia, as designate of the premier of Nova Scotia on or before the 30th day of May 2002, or as immediately thereafter as is reasonably possible, but in no case later than in time for consideration of the Commission's recommendation by the Legislature at the Spring sitting of the House of Assembly in 2002.

STATEMENT OF SUBMISSION

All of which is respectfully submitted to the
House of Assembly this 30th day of November, 2001

Hon. Michael Baker, QC
Chairman

I concur

Hon. Neil LeBlanc

I concur

Frank Corbett, MLA

I concur

Hon. Rodney MacDonald

I concur

Howard Epstein, MLA

I concur

Hon. Jane Purves

I concur

Paul MacEwan, MLA

I concur

Brooke Taylor, MLA

I concur

Manning MacDonald, MLA

APPENDIX "A"

RESOLUTION NO. 1959

HON. RONALD RUSSELL: Mr. Speaker, I am moving a motion and I will read the first part of the motion and the two other House Leaders have agreed with the passage of the resolution.

Mr. Speaker, I move with the concurrence of the honourable member for Sackville-Cobequid and the honourable member for Cape Breton South at this time that the House do resolve:

(1) that the House declare pursuant to subsection 5(3) of the House of Assembly Act and the Rules and Forms of Procedure of the House of Assembly that a Select Committee be established to report to the House respecting:

(a) composition of a Provincial Boundaries Commission on electoral redistribution,

· terms of reference for the Commission,

(c) a timetable for the Commission to complete its report;

(2) (a) that the Select Committee be composed of the following members of the House:

(i) The Honourable Neil Leblanc

(ii) The Honourable Michael Baker, Q.C.

(iii) The Honourable Jane Purves

(iv) The Honourable Rodney MacDonald

(v) Brooke Taylor, MLA

(vi) Frank Corbett, MLA

(vii) Howard Epstein, MLA

(viii) Paul MacEwan, MLA

(ix) Manning MacDonald, MLA

(b) that the Honourable Michael Baker, Q.C. be appointed as Chairman.

(3) that a member of the Select Committee may be replaced by any member of the same Party at any time;

(4) that all questions before the Select Committee shall be decided by a majority of voices, including the voice of the Chair, and whenever the voices are equal the Chair has a second or casting vote;

(5) that the Select Committee complete its report to the House by the 30th day of November;

(6) that the Select Committee consult as many interested persons as it reasonably can, including persons in the Acadian, Black and Mi'kmaq communities;

(7) that the House declare, for the guidance of the Select Committee, its support in principle for:

(a) a House composed of 52 members, plus one additional member who would represent the Mi'kmaq people in Nova Scotia,

(b) the need for boundaries that address the community of interest in the composition of the House, including the Acadian and Black communities, and

(c) the importance of having a person from a minority group serve on the Provincial Boundaries Commission;

(8) that notwithstanding the said Rules or any Rules of the House, the Select Committee of the House be empowered to examine and inquire into all such matters and things as may be referred to it by the House, and from time to time report to this House its observations and opinions thereon, and the Committee be further empowered to send for and examine witnesses, papers and records, and to extend to any w[illegible]ness the protection of the House and to obtain such assistance as it deems necessary;

(9) that all the powers and privileges under the House of Assembly Act and amendments thereto and the Rules of the House applicable to Standing and Select Committees while the House is in Session shall apply and be of full force and effect during the sittings of the Select Committee;

(10) that the Legislature Internal Economy Board be authorized to provide the Select Committee, its members and staff with such facilities and funds as are required to carry out their duties and as are provided for by and pursuant to Section 80 of the Public Service Act.]

Mr. Speaker, I would move, with unanimous consent, that this resolution be agreed to.

MR. SPEAKER: Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

APPENDIX "B"

SELECT COMMITTEE
on Establishing an Electoral Boundaries Commission

An all-party select committee of the Nova Scotia legislature is seeking public input on the terms of reference for a commission which will review the province's electoral boundaries.

The select committee does not determine the redistribution of electoral boundaries. The committee is seeking views on the following:

1) the composition of the *Provincial Electoral Boundaries Commission*

2) the terms of reference for the commission

3) the timeline for a completed report from the commission

The select committee will hold public meetings between November 13 and November 22 in the locations below. Meetings will be held from 3 p.m. to 5 p.m., with evening sessions beginning at 7 p.m.

Sydney
Tuesday, November 13
Mariner C, Delta Sydney
300 Esplanade Street

Yarmouth
Monday, November 19
Maple Room, Rodd Colony Harbour Inn
6 Forest Street

Halifax
Thursday, November 22
Red Chamber, Province House
1726 Hollis Street

Port Hawkesbury
Wednesday, November 14
Canso Room, Maritime Inn
717 Reeves Street

Truro
Tuesday, November 20
Gymnasium, Agritech Park
NSAC Conference Centre
90 Research Drive, Bible Hill

Individuals and organizations wishing to present views to the committee are invited to attend a public meeting in their area. Please advise the committee in advance by calling toll-free 1-888-368-6489. Nova Scotians may also express their views on the same toll-free line.

Written submissions can be presented in person at a public meeting or by any of the following options:

Mail to:
Select Committee on Establishing an
Electoral Boundaries Commission
c/o Legislative Committees Office
3rd Floor, Dennis Building
1740 Granville Street
P.O. Box 2630, Station M
Halifax, N.S. B3J 3N5

Fax: 1-902-424-0513

E-mail: legcomm@gov.ns.ca

Internet: www.gov.ns.ca/legislature/committees/e_boundaries.html

All submissions should be received by noon, Friday, November 23.

The Select Committee on Establishing an Electoral Boundaries Commission will report to the House of Assembly by Friday, November 30.

Members of the select committee are:

Hon. Michael Baker, Chair, MLA for Lunenburg
Hon. Neil LeBlanc, MLA for Argyle
Hon. Jane Purves, MLA for Halifax Citadel
Hon. Rodney MacDonald, MLA for Inverness
Brooke Taylor, MLA for Colchester-Musquodoboit Valley
Frank Corbett, MLA for Cape Breton Centre
Howard Epstein, MLA for Halifax-Chebucto
Paul MacEwan, MLA for Cape Breton Nova
Manning MacDonald, MLA for Cape Breton South

APPENDIX "C"

Presenters at Public Meetings, in alphabetical order

Sydney, Nov. 13, 2001

Louis Ihasz, Victoria County Progressive Conservative Association; Wilf Isaac, Cape Breton Party; David Johnson; Vince MacLean; Scott MacLean, Wesley Stubbert

Port Hawkesbury, Nov. 14, 2001

Richard Cotton, Warden, Richmond County; Ann Hughes; Joe Janega; André Leblanc; Gabriel LeBlanc, Collège l'Acadie; Allena MacDonald; Gerry MacDonald, Port Hawkesbury Chamber of Commerce; Frank MacInnis, Inverness Progressive Conservative Association; Eddie MacKay; William Joseph MacLean, Mayor, Port Hawkesbury; Kerstin Mueller; Colin Purcell; Yvon Sampson

Yarmouth, Nov. 19, 2001

Peter Boudreau, Conseil Acadien de Par-en-bas; Aldric d'Entremont, Warden, Municipality of the County of Argyle; Pauline d'Entremont; Clyde de Viller, Conseil Acadien de Par-en-bas; Harold Huskilson; Gordon Reid

Bible Hill, Nov. 20, 2001

Keith Baas; Mike Henderson

Halifax, Nov. 22, 2001

Yvonne Atwell; Duncan Dauphinee; Dr. Edward Kinley; Hon. Peter McCreath; Hugh Pullen, Peninsula South Community Association

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